

CARMENDELIA HEYWARD  
105-12 29<sup>th</sup> Street  
East Elmhurst, NY 11369, and

MICHAEL HENDERSON  
100 Dreiser Loop. Apt 17C  
Bronx NY 10475,

*Plaintiffs,*

v.

WHITEHEAD ENTERPRISES, LLC  
t/a Days Inn  
7871 Belle Point Drive  
Greenbelt, MD 20770,

PRAKASH SARIF  
7871 Belle Point Drive  
Greenbelt, MD 20770, and

VINODBHAI PATEL  
7871 Belle Point Drive  
Greenbelt, MD 20770,

*Defendants.*

\* IN  
\* THE  
\* CIRCUIT COURT  
\* OF  
\* MARYLAND  
\* FOR

\* PRINCE GEORGES COUNTY

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\* Case No. \_\_\_\_\_

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### COMPLAINT AND DEMAND FOR JURY TRIAL

Carmendelia Heyward and Michael Henderson, Plaintiffs, by John B. Stolarz, their attorney, sue Whitehead Enterprises, LLC, Prakash Sarif, and Vinodbhai Patel Defendants, and say:

1. Plaintiff Carmendelia Heyward is African-American, and resides in East Elmhurst, New York.
2. Plaintiff Michael Henderson is African-American, and resides in Bronx, New York.
3. Defendant Whitehead Enterprises, LLC, a Maryland corporation operates a Days

Inn Hotel at 1660 Whitehead Court, Baltimore MD 21207. Defendant Whitehead Enterprises, LLC has its principal place of business at 7871 Belle Point Drive, Greenbelt, Maryland.

4. Defendant Vinodbhai Patel is the holder of the franchise agreement with Days Inn, which grants Defendant Vinodbhai Patel the right to operate the hotel located at 1660 Whitehead Court, Baltimore, MD 21207 under the Days Inn trade name. Defendant Vinodbhai Patel is not African American.

5. Defendant Prakash Sarif was, at the time of the occurrence set forth herein, the manager of the Days Inn hotel located at 1660 Whitehead Court, Baltimore MD 21207. Defendant Vinodbhai Patel is not African American.

6. The Plaintiffs Heyward and Henderson intended to travel to the Baltimore area on August 31, 2012 for a baby shower scheduled for September 1, 2012.

7. Plaintiffs had, prior to August 31, 2012, made reservations for a smoking room at the Days Inn located at 1660 Whitehead Court, Baltimore, MD 21207.

8. The persons hosting the baby shower had made prior arrangements with the Days Inn at Whitehead Court for a discounted room rate for out of town guests attending the baby shower.

9. On August 31, 201 Plaintiffs Carmendelia Heyward and Michael Henderson arrived in Baltimore, Maryland and proceeded to the Days Inn at 1660 Whitehead Court, Baltimore, MD 21207 to check into their reserved hotel room.

10. After arriving at the said Days Inn hotel, Plaintiffs Heyward and Henderson at Whitehead Court, were greeted by Defendant Prakash Sarif.

11. After Plaintiff Heyward advised Defendant Sarif that they were with the baby shower party, Defendant Sarif said that he canceled those reservations. When Plaintiff Heyward protested and stated that said she was not contacted about the cancellation, Mr. Sarif stated, "I don't have to contact none of you black bitches!" Defendant Sarif then told Plaintiffs Heyward and Henderson to "get your black ass out of my hotel!"

12. Plaintiff thereafter sought to change Defendant's mind and get the reservation reinstated. After further exchange of hot words, Plaintiffs Heyward and Henderson left the hotel and called the police. The police never came.

13. Plaintiffs then proceeded to check into the Leisure Inn located nearby at a rate of \$ 182.38 for two nights which was more than the Days Inn special rate for out of state guests of the baby shower.

14. Plaintiff Ms. Heyward discovered when she received her bank statement that Defendants had still charged for a night at the Days Inn. She complained to customer service and the charge was reversed.

15. As a result of the unlawful actions of Defendant Prakash Sarif, the agent an employee of Whitehead Enterprises, LLC, and Vinodbhai Patel, the Plaintiffs were embarrassed, humiliated and caused to suffer severe emotional distress, and incurred monetary and other damages.

#### COUNT ONE

##### Defendant Prakash Sarif

16. The foregoing paragraphs are incorporated herein.

17. By making advance reservation for lodging at the Days Inn, Plaintiffs presented an offer to the Defendants to enter into a contract to rent a room for two nights.

18. When the Plaintiffs presented and identified themselves to Defendant Prakash Sarif and sought to complete the transaction for a room, Defendant Prakash Sarif canceled the Plaintiffs' reservation. When Plaintiff Heyward protested and sought to have the cancellation reversed, Defendant Mr. Sarif stated, "I don't have to contact none of you black bitches!" Defendant Sarif then told Plaintiffs Heyward and Henderson "get your black ass out of my hotel"

19. The actions of Defendant Prakash Sarif clearly show that his cancellation and refusal to rent a room to the Plaintiffs was motivated by race. The racial discrimination clearly interfered with Plaintiffs' contractual interest.

20. The unlawful actions of Defendant Prakash Sarif in refusing to rent a hotel room to the Plaintiffs was motivated by Plaintiffs' African American race and constituted a violation of 42 U.S.C. §1981 which forbids discrimination in the making and enforcing of contracts.

Wherefore, Plaintiff demands judgment against Defendant Prakash Sarif for

compensatory and punitive damages, attorney fees, litigation expenses and court costs, all of which exceed Seventy Five Thousand Dollars (\$ 75,000.00).

**COUNT TWO**

**Whitehead Enterprises, LLC**

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21. The foregoing paragraphs are incorporated herein.

22. At the time of the events set forth above, Defendant Prakash Sarif was an agent and employee of Whitehead Enterprises, LLC.

23. The unlawful actions of Defendant Prakash Sarif in refusing to rent a hotel room to the Plaintiffs was motivated by Plaintiffs' African American race and constituted a violation of 42 U.S.C. §1981 which forbids discrimination in the making and enforcing of contracts.

24. Defendant Whitehead Enterprises, LLC is, therefore, fully liable for the actions of Defendant Prakash Sarif under the theory of Respondeat Superior because the aforesaid unlawful acts of Defendant Sarif were within the scope of his employment.

Wherefore, Plaintiff demands judgment against Defendant Whitehead Enterprises, LLC. for compensatory and punitive damages, attorney fees, litigation expenses and court costs, all of which exceed Seventy Five Thousand Dollars (\$ 75,000.00).

**COUNT THREE**

**Vinodbhai Patel**

25. The foregoing paragraphs are incorporated herein.

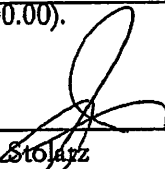
26. The unlawful actions of Defendant Prakash Sarif in refusing to rent a hotel room to the Plaintiffs was motivated by Plaintiffs' African American race and constituted a violation of 42 U.S.C. §1981 which forbids discrimination in the making and enforcing of contracts.

27. At the time of the events set forth above, Defendant Prakash Sarif was an agent and employee of Vinodbhai Patel, who has been granted a franchise license to use the Days Inn trade name for the hotel located at 1660 Whitehead Court, Baltimore, MD 21207.

28. Defendant Vinodbhai Patel is, therefore, fully liable for the actions of Defendant

Prakash Sarif under the theory of Respondeat Superior because the aforesaid unlawful acts of Defendant Sarif were within the scope of his employment.

Wherefore, Plaintiff demands judgment against Defendant Vinodbhai Patel for compensatory and punitive damages, attorney fees, litigation expenses and court costs, all of which exceed Seventy Five Thousand Dollars (\$ 75,000.00).



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Attorney for Plaintiffs

**DEMAND FOR JURY TRIAL**

Carmendelia Heyward and Michael Henderson, Plaintiffs, by John B. Stolarz, their attorney, demand a jury trial, on all issues, in this action.



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John B. Stolarz

Attorney for Plaintiffs